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ACTION DRL-09

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| INFO | LOG-00 | AF-01 | AID-01 | CIAE-00 | SMEC-00 | OASY-00 | DODE-00 |
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| | JUSE-00 | L-01 | ADS-00 | NSAE-00 | NSCE-00 | OIC-02 | OMB-01 |
| | PA-01 | PM-00 | PRS-01 | P-01 | SCT-03 | SNP-00 | SP-00 |
| | SR-00 | SSO-00 | SS-00 | TRSE-00 | T-00 | USIE-00 | FMP-00 |
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FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 6411
INFO RWANDA COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 012901

DEPARTMENT FOR HA:A/S SHATTUCK, L:CRYSTAL NIX AND AF

E.O. 12356: DECL: OADR
TAGS: PREL PREF KJUS UN RW UK
SUBJECT: A/S SHATTUCK'S DISCUSSION ON THE PROPOSED
RWANDA WAR CRIMES TRIBUNAL WITH HMG

1. CONFIDENTIAL - ENTIRE TEXT.

2. BEGIN SUMMARY. A/S JOHN SHATTUCK MET AUGUST 10 WITH
GLYNNE EVANS, HEAD OF THE FCO UN DEPARTMENT AND OTHER
FCO OFFICIALS TO DISCUSS DEVELOPMENTS IN RWANDA.
SHATTUCK SAID:

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- HIS VISIT TO RWANDA AND DISCUSSIONS WITH RWANDAN
OFFICIALS HAD BEEN PRODUCTIVE. THE GOR WAS
ACTIVELY OPPOSING REPRISALS.
- HIS DISCUSSION WITH FRENCH OFFICIALS IN PARIS
REGARDING THE WAR CRIMES TRIBUNAL HAD REVEALED
SUBSTANTIAL AGREEMENT BETWEEN THE USG AND
FRANCE.
- EXPEDITIOUS FORMATION OF THE TRIBUNAL WAS A KEY

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ELEMENT IN RESOLVING THE REFUGEE CRISIS. REFUGEES NEEDED TO FEEL SECURE AND THAT JUSTICE WAS BEING SERVED; THE GOVERNMENT OF RWANDA NEEDED SUPPORT FROM THE INTERNATIONAL COMMUNITY IN ORDER TO PREVENT SUMMARY EXECUTIONS BY INDIVIDUAL ACTORS. THE WAR CRIMES TRIBUNAL WOULD HELP TO BREAK THE CYCLE OF VIOLENCE.

-- THERE WOULD BE NO NATIONAL RECONCILIATION UNTIL NATIONAL ACCOUNTABILITY WAS ADDRESSED.

IN RESPONSE, EVANS STRESSED THE PRACTICAL ASPECTS OF FORMATION OF A WAR CRIMES TRIBUNAL AND THE NEED TO CHANGE THE PSYCHOLOGY IN THE CAMPS SAYING:

-- HMG WANTED TO FOCUS ON ALL THE PRACTICALITIES OF PUTTING TOGETHER A JUSTICE SYSTEM AND WAR CRIMES TRIBUNAL (WHICH SHOULD BE DEVELOPED IN PARALLEL) PRIOR TO PASSING A UN RESOLUTION. END SUMMARY.

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-- IT WAS DIFFICULT TO DETERMINE TO WHAT EXTENT THE EX-MILITARY HUTUS IN THE CAMPS COULD BE SEPARATED FROM OTHER REFUGEES, BUT THAT SEPARATING THEM WOULD SERVE THE DUAL FUNCTION OF PREVENTING REFUGEE INTIMIDATION AND PLACING THEM IN A COMMON AREA WHERE THEY COULD BE PROCESSED.

-- HMG HAD BEEN PRESSING EFFORTS TO COORDINATE RADIO BROADCASTS THROUGH THE UNHCR

-- HUMAN RIGHTS MONITORS WERE AN IMPORTANT COMPONENT FOR STABILITY, BUT IT WOULD BE MORE EFFECTIVE TO MELD HUMAN RIGHTS VERIFICATION INTO THE NEW UNAMIR MANDATE (SIMILAR TO ONUSAL IN EL SALVADOR).

-- HMG WAS OPPOSED TO USING THE UN FOR TAKING OFFENDERS INTO CUSTODY. END SUMMARY

3. ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN AFFAIRS JOHN SHATTUCK ACCOMPANIED BY CRYSTAL NIX OF THE OFFICE OF THE LEGAL ADVISOR AND EMBOFF DISCUSSED DEVELOPMENTS IN RWANDA, SPECIFICALLY

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THE FORMATION OF A WAR CRIMES TRIBUNAL WITH SEVEN
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EVANS, HEAD OF THE FCO UN DEPARTMENT, PHILLIP ASTLEY,
HEAD OF THE FCO HUMAN RIGHTS DEPARTMENT AND DAVID
MCLENNAN, HEAD OF THE FCO AFRICA EQUITORIAL DEPARTMENT
AUGUST 10.

4. SHATTUCK BRIEFED THE BRITISH ON HIS VISIT TO
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RWANDA. THE GOVERNMENT OF RWANDA HAD FOCUSSED ON ISSUES
OF NATIONAL ACCOUNTABILITY AND SEEMED TO RECOGNIZE THE
LINKAGE BETWEEN THE RETURN OF THE REFUGEES AND THE NEED
OR SECURITY AND JUSTICE. THE GOR HAD PUBLICLY STATED
ITS OPPOSITION TO REPRISALS AND HAD CLARIFIED ITS
POSITION ON WHO OUGHT TO BE PROSECUTED FOR GENOCIDE.
SHATTUCK SAID HE HAD HEARD REPORTS FROM UNHCR WHICH
INDICATED SOME REFUGEES WERE BEING PAID TO STAY IN THE
CAMPS; THIS SURPRISED EVANS.

5. SHATTUCK SAID HIS VISIT TO PARIS HAD BEEN
PRODUCTIVE. THE FRENCH HAD AGREED THAT AN EXPEDITIOUS
ESTABLISHMENT OF THE WAR CRIMES TRIBUNAL WAS DESIRABLE
AND THAT IT SHOULD BE INTERNATIONAL IN CHARACTER SINCE
MANY OF THE OFFENDERS WERE CURRENTLY OUTSIDE RWANDA.
THE FRENCH FOUND APPEALING HAVING THE COMMISSION OF
EXPERTS ISSUE AN INTERIM REPORT, WHICH WOULD PROVIDE A
BASIS FOR PROMPT ESTABLISHMENT OF AN INTERNATIONAL
TRIBUNAL. THEY HAD AGREED THAT RWANDA NEEDED A
FUNCTIONING JUDICIAL SYSTEM AS SOON AS POSSIBLE.
FINALLY THERE HAD BEEN AGREEMENT THAT THE NUMBER OF
HUMAN RIGHTS MONITORS IN RWANDA SHOULD BE INCREASED.

6. EVANS IMPLIED THAT HMG AGREED IN PRINCIPLE TO THE

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ESTABLISHMENT OF AN INTERNATIONAL WAR CRIMES TRIBUNAL,
BUT WANTED THE TRIBUNAL TO BE ESTABLISHED WITH THE
LARGER FOCUS IN MIND. NOTING THAT THE HUTU EX-MILITARY
HAD ONCE BEEN PUT UNDER THE CHARGE OF THE ZAIREAN ARMY
ONLY TO DISAPPEAR FROM CAMP TWENTY FOUR HOURS LATER, SHE
ASKED TO WHAT EXTENT IT WAS POSSIBLE TO SEPARATE THE
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EX-MILITARY FROM THE OTHER REFUGEES. RECOGNIZING THE
JURISDICTIONAL PROBLEMS, EVANS SPECULATED THAT IT MAY BE
POSSIBLE TO SEPARATE THE EX-MILITARY UNDER THE GUISE OF
PUTTING THEM TO WORK (E.G., DIGGING LATRINES OR BURYING
BODIES) AND THEN SETTING UP A PERIMETER GUARD THROUGH A
PRIVATE COMPANY. HMG STRONGLY OPPOSED THE NOTION OF
USING UN PERSONNEL TO DETAIN OFFENDERS. MCLENNAN ADDED
THAT THE POLITICAL STRUCTURE IN THE CAMPS WOULD HAVE TO
BE ADDRESSED; THERE WOULD HAVE TO BE SOME SORT OF
REGISTRATION WHICH WOULD EASE PROCESSING; A WORK FOR

FOOD SCHEME COULD BE SUCCESSFUL IN SEPARATING THE MEN FROM THE WOMEN. THIS TASK WOULD BE ADMINISTRATIVELY DIFFICULT.

7. SHATTUCK EXPLAINED THAT THE USG WAS INTERESTED IN CREATING A MAGNET WHICH WOULD PULL REFUGEES BACK TO RWANDA. THIS WAS ONE OF THE REASONS THE WAR CRIMES TRIBUNAL WAS SIGNIFICANT. THE GOR HAD REQUESTED EMPLOYMENT OF HUMAN RIGHTS MONITORS, ESPECIALLY IN THE SOUTHWEST, TO SEND THE MESSAGE OF NATIONAL RECONCILIATION. EVANS AGREED THAT A MAGNET SHOULD BE CREATED BUT POINTED OUT THAT THE PSYCHOLOGY IN THE CAMPS MUST BE CHANGED IN ORDER TO PUSH THE REFUGEES OUT; SEPARATING THE EX-MILITARY WOULD GREATLY ASSIST THESE EFFORTS. HMG HAD BEEN PRESSING TO COORDINATE RADIO BROADCASTS THROUGH THE UNHCR SO THAT REFUGEES WOULD RECEIVE ACCURATE INFORMATION REGARDING CONDITIONS IN RWANDA.

8. EVANS REITERATED THAT HMG WANTED TO FOCUS ON THE PRACTICALITIES -- THE NEED TO THOROUGHLY DISCUSS A
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COMPLETE JUDICIAL PACKAGE PRIOR TO PASSAGE OF A RESOLUTION AT THE UN. SHE OPINED THAT THE YUGOSLAV WAR CRIMES TRIBUNAL HAD HAD NO REAL EFFECT AND THE RWANDA WAR CRIMES TRIBUNAL SHOULD BE CAREFULLY THOUGHT OUT TO AVOID THE SAME PROBLEMS. THE COMMISSION OF EXPERTS SHOULD PRODUCE A PAMPHLET EXPLAINING THAT THEY WANTED HARD FACTS -- TIMES, DATES, PLACES AND NAMES SO THAT THEY WOULD AVOID A REPEAT OF THE "WOOLLY" STORIES COLLECTED BY THE YUGOSLAV COMMISSION. EVANS SUPPORTED THE PRODUCTION OF AN INTERIM REPORT WHICH WOULD LAY THE GROUNDWORK FOR PROMPT ESTABLISHMENT OF THE TRIBUNAL BY THE COMMISSION OF EXPERTS. RWANDA'S JUDICIARY WAS IN SHAMBLES WITH ONLY THREE MAGISTRATES. EVANS ASKED IF IT WOULD BE POSSIBLE TO PROVIDE INTERNATIONAL SUPPORT WHICH WOULD ASSIST THE RWANDANS IN SETTING UP THEIR OWN SYSTEM TO DEAL WITH THE STAGGERING JUDICIAL PROBLEMS. SHE NOTED THAT BRITISH JUDGES OFTEN ASSIST COMMONWEALTH COUNTRIES BY SITTING ON THE BENCH ON THEIR COUNTRIES AND WONDERED IF THE INTERNATIONAL COMMUNITY COULD PROVIDE EX-PAT JUDGES (PRESUMABLY THOSE WITH TRAINING IN THE NAPOLEONIC CODE).

9. MACLENNAN COMMENTED THAT NO VISIBLE RESULT OF THE

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WAR CRIMES TRIBUNAL WOULD BE APPARENT FOR SOME TIME AS
THERE WAS A NEED TO COLLECT EVIDENCE. HE CONJECTURED
THAT THE HUTUS MAY VIEW INTERNATIONAL SUPPORT OF A WAR
CRIMES TRIBUNAL AND SUPPORT OF THE RPF AS "GANGING UP"
AND WONDERED IF THIS WOULD HINDER NATIONAL
RECONCILIATION EFFORTS MORE THAN IT WOULD HELP.

10. TURNING TO THE SUBJECT OF HUMAN RIGHTS MONITORS,
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EVANS OPINED THAT 30 SHOULD BE MORE THAN ENOUGH. EVANS
BELIEVED THAT THE SUGGESTED 100 - 150 MONITORS WAS TOO
IGH FOR A COUNTRY "THE SIZE OF WALES." SHE COMMENTED
THAT FINANCIAL RESOURCES WERE STRAINED AND RESOURCE
ALLOCATION SHOULD BE PRIORITIZED. NOTING THAT THE
UNAMIR MANDATE WOULD BE REVIEWED IN SEPTEMBER, EVANS
SUGGESTED IT MAY BE DESIRABLE TO WRITE HUMAN RIGHTS
VERIFICATION INTO THE MANDATE ALONG THE LINES OF ONUSAL
IN EL SALVADOR. MONITORS COULD THEN BE FOLDED INTO THE
CIVIL COMPONENT OF UNAMIR.

11. IN A SUBSEQUENT CONVERSATION WITH ALEX HALL-HALL,
HEAD OF THE FCO UN DEPARTMENT HUMANITARIAN SECTION,
EMBASSY CONFIRMED THAT HMG SUPPORTS IN PRINCIPLE THE
CREATION OF AN INTERNATIONAL TRIBUNAL. HALL-HALL ADDED
THAT HMG WAS MOST CONCERNED THAT THE PRACTICALITIES BE
SORTED OUT PRIOR TO GOING FORWARD. HMG STRONGLY
SUPPORTED INTERNATIONAL SUPPORT OF THE RWANDAN JUDICIAL
SYSTEM IN PARALLEL TO CREATION OF A WAR CRIMES TRIBUNAL.

12. THIS CABLE HAS BEEN CLEARED BY A/S SHATTUCK. CROWE

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